

By: Taylor, et al.
(Thompson of Brazoria, Allen)

S.B. No. 863

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Pearland Municipal Management District No. 2; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3867 to read as follows:

CHAPTER 3867. PEARLAND MUNICIPAL MANAGEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3867.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "City" means the City of Pearland.

(3) "County" means Brazoria County.

(4) "Director" means a board member.

(5) "District" means the Pearland Municipal Management District No. 2.

Sec. 3867.002. NATURE OF DISTRICT. The Pearland Municipal Management District No. 2 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3867.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city, the

1 county, and other political subdivisions to contract with the
2 district, the legislature has established a program to accomplish
3 the public purposes set out in Section 52-a, Article III, Texas
4 Constitution.

5 (b) The creation of the district is necessary to promote,
6 develop, encourage, and maintain employment, commerce,
7 transportation, housing, tourism, recreation, the arts,
8 entertainment, economic development, safety, and the public
9 welfare in the district.

10 (c) This chapter and the creation of the district may not be
11 interpreted to relieve the city or the county from providing the
12 level of services provided as of the effective date of the Act
13 enacting this chapter to the area in the district. The district is
14 created to supplement and not to supplant city or county services
15 provided in the district.

16 Sec. 3867.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

17 (a) The district is created to serve a public use and benefit.

18 (b) All land and other property included in the district
19 will benefit from the improvements and services to be provided by
20 the district under powers conferred by Sections 52 and 52-a,
21 Article III, and Section 59, Article XVI, Texas Constitution, and
22 other powers granted under this chapter.

23 (c) The creation of the district is in the public interest
24 and is essential to further the public purposes of:

25 (1) developing and diversifying the economy of the
26 state;

27 (2) eliminating unemployment and underemployment; and

1 (3) developing or expanding transportation and
2 commerce.

3 (d) The district will:

4 (1) promote the health, safety, and general welfare of
5 residents, employers, potential employees, employees, visitors,
6 and consumers in the district, and of the public;

7 (2) provide needed funding for the district to
8 preserve, maintain, and enhance the economic health and vitality of
9 the district territory as a community and business center;

10 (3) promote the health, safety, welfare, and enjoyment
11 of the public by providing pedestrian ways and by landscaping and
12 developing certain areas in the district, which are necessary for
13 the restoration, preservation, and enhancement of scenic beauty;
14 and

15 (4) provide for street or road and recreational
16 facilities and improvements, including related drainage
17 facilities, for the district.

18 (e) Pedestrian or other nonmotorized vehicle ways along or
19 across a street, whether at grade or above or below the surface, and
20 street lighting, street landscaping, parking, and street art
21 objects are parts of and necessary components of a street and are
22 considered to be a street or road improvement.

23 (f) The district will not act as the agent or
24 instrumentality of any private interest even though the district
25 will benefit many private interests as well as the public.

26 Sec. 3867.005. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

1 Section 2 of the Act enacting this chapter.

2 (b) The boundaries and field notes contained in Section 2 of
3 the Act enacting this chapter form a closure. A mistake in the
4 field notes or in copying the field notes in the legislative process
5 does not affect the district's:

6 (1) organization, existence, or validity;

7 (2) right to issue any type of bond for the purposes
8 for which the district is created or to pay the principal of and
9 interest on the bond;

10 (3) right to impose or collect an assessment or tax; or

11 (4) legality or operation.

12 Sec. 3867.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created under
16 Chapter 311, Tax Code;

17 (2) a tax abatement reinvestment zone created under
18 Chapter 312, Tax Code;

19 (3) an enterprise zone created under Chapter 2303,
20 Government Code; or

21 (4) an industrial district created under Chapter 42,
22 Local Government Code.

23 Sec. 3867.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
24 DISTRICTS LAW. Except as otherwise provided by this chapter,
25 Chapter 375, Local Government Code, applies to the district.

26 Sec. 3867.008. CONSTRUCTION OF CHAPTER. This chapter shall
27 be liberally construed in conformity with the findings and purposes

1 stated in this chapter.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 3867.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of seven voting directors who serve staggered
5 terms of four years, with three or four directors' terms expiring
6 June 1 of each odd-numbered year.

7 (b) The board by resolution may change the number of voting
8 directors on the board if the board determines that the change is in
9 the best interest of the district and the governing body of the city
10 consents to the change. The board may not consist of fewer than 5 or
11 more than 15 voting directors.

12 Sec. 3867.052. APPOINTMENT OF VOTING DIRECTORS. The
13 governing body of the city shall appoint voting directors from
14 persons recommended by the board. A person is appointed if a
15 majority of the members of the governing body of the city vote to
16 appoint that person.

17 Sec. 3867.053. NONVOTING DIRECTORS. The board may appoint
18 nonvoting directors to serve at the pleasure of the voting
19 directors.

20 Sec. 3867.054. QUORUM. For purposes of determining the
21 requirements for a quorum of the board, the following are not
22 counted:

23 (1) a board position vacant for any reason, including
24 death, resignation, or disqualification;

25 (2) a director who is abstaining from participation in
26 a vote because of a conflict of interest; or

27 (3) a nonvoting director.

1 Sec. 3867.055. INITIAL VOTING DIRECTORS. (a) The initial
2 board consists of the following voting directors:

3	<u>Pos. No.</u>	<u>Name of Director</u>
4	<u>1</u>	<u>Teir Allender</u>
5	<u>2</u>	<u>Steve Chandler</u>
6	<u>3</u>	<u>Will Deane</u>
7	<u>4</u>	<u>Stephanie King</u>
8	<u>5</u>	<u>John Moody</u>
9	<u>6</u>	<u>Rushi Patel</u>
10	<u>7</u>	<u>Sylvester L. Roeder III</u>

11 (b) Of the initial directors, the terms of directors
12 appointed for positions one through four expire June 1, 2015, and
13 the terms of directors appointed for positions five through seven
14 expire June 1, 2017.

15 (c) Section 3867.052 does not apply to this section.

16 (d) This section expires September 1, 2017.

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 3867.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 3867.102. IMPROVEMENT PROJECTS AND SERVICES. The
22 district may provide, design, construct, acquire, improve,
23 relocate, operate, maintain, or finance an improvement project or
24 service using any money available to the district, or contract with
25 a governmental or private entity to provide, design, construct,
26 acquire, improve, relocate, operate, maintain, or finance an
27 improvement project or service authorized under this chapter or

1 Chapter 375, Local Government Code.

2 Sec. 3867.103. DEVELOPMENT CORPORATION POWERS. The
3 district, using money available to the district, may exercise the
4 powers given to a development corporation under Chapter 505, Local
5 Government Code, including the power to own, operate, acquire,
6 construct, lease, improve, or maintain a project under that
7 chapter.

8 Sec. 3867.104. NONPROFIT CORPORATION. (a) The board by
9 resolution may authorize the creation of a nonprofit corporation to
10 assist and act for the district in implementing a project or
11 providing a service authorized by this chapter.

12 (b) The nonprofit corporation:

13 (1) has each power of and is considered to be a local
14 government corporation created under Subchapter D, Chapter 431,
15 Transportation Code; and

16 (2) may implement any project and provide any service
17 authorized by this chapter.

18 (c) The board shall appoint the board of directors of the
19 nonprofit corporation. The board of directors of the nonprofit
20 corporation shall serve in the same manner as the board of directors
21 of a local government corporation created under Subchapter D,
22 Chapter 431, Transportation Code, except that a board member is not
23 required to reside in the district.

24 Sec. 3867.105. AGREEMENTS; GRANTS. (a) As provided by
25 Chapter 375, Local Government Code, the district may make an
26 agreement with or accept a gift, grant, or loan from any person.

27 (b) The implementation of a project is a governmental

1 function or service for the purposes of Chapter 791, Government
2 Code.

3 Sec. 3867.106. LAW ENFORCEMENT AND SECURITY SERVICES. To
4 protect the public interest, the district may provide security
5 services or contract with a qualified party, including the county
6 or the city, to provide law enforcement services in the district for
7 a fee.

8 Sec. 3867.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
9 district may join and pay dues to a charitable or nonprofit
10 organization that performs a service or provides an activity
11 consistent with the furtherance of a district purpose.

12 Sec. 3867.108. ECONOMIC DEVELOPMENT. (a) The district may
13 engage in activities that accomplish the economic development
14 purposes of the district.

15 (b) The district may establish and provide for the
16 administration of one or more programs to promote state or local
17 economic development and to stimulate business and commercial
18 activity in the district, including programs to:

19 (1) make loans and grants of public money; and

20 (2) provide district personnel and services.

21 (c) The district may create economic development programs
22 and exercise the economic development powers provided to
23 municipalities by:

24 (1) Chapter 380, Local Government Code; and

25 (2) Subchapter A, Chapter 1509, Government Code.

26 Sec. 3867.109. PARKING FACILITIES. (a) The district may
27 acquire, lease as lessor or lessee, construct, develop, own,

1 operate, and maintain parking facilities or a system of parking
2 facilities, including lots, garages, parking terminals, or other
3 structures or accommodations for parking motor vehicles off the
4 streets and related appurtenances.

5 (b) The district's parking facilities serve the public
6 purposes of the district and are owned, used, and held for a public
7 purpose even if leased or operated by a private entity for a term of
8 years.

9 (c) The district's parking facilities are parts of and
10 necessary components of a street and are considered to be a street
11 or road improvement.

12 (d) The development and operation of the district's parking
13 facilities may be considered an economic development program.

14 Sec. 3867.110. ANNEXATION OF LAND. The district may annex
15 land as provided by Subchapter J, Chapter 49, Water Code.

16 Sec. 3867.111. APPROVAL BY CITY. (a) Except as provided
17 by Chapter 375, Local Government Code, the district must obtain the
18 approval of the city for:

19 (1) the issuance of bonds;

20 (2) the annexation or exclusion of land;

21 (3) the plans and specifications of an improvement
22 project financed by bonds; and

23 (4) the plans and specifications of an improvement
24 project related to the use of land owned by the city, an easement
25 granted by the city, or a right-of-way of a street, road, or
26 highway.

27 (b) The district may not issue bonds or annex or exclude

1 land until the governing body of the city adopts a resolution or
2 ordinance authorizing the issuance of the bonds or the annexation
3 or exclusion of the land.

4 (c) The governing body of the city:

5 (1) is not required to adopt a resolution or ordinance
6 to approve plans and specifications described by Subsection (a);
7 and

8 (2) may establish an administrative process to approve
9 plans and specifications described by Subsection (a) without the
10 involvement of the governing body.

11 Sec. 3867.112. NO EMINENT DOMAIN POWER. The district may
12 not exercise the power of eminent domain.

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

14 Sec. 3867.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
15 board by resolution shall establish the number of directors'
16 signatures and the procedure required for a disbursement or
17 transfer of district money.

18 Sec. 3867.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
19 The district may acquire, construct, finance, operate, or maintain
20 any improvement or service authorized under this chapter or Chapter
21 375, Local Government Code, using any money available to the
22 district.

23 Sec. 3867.153. PETITION REQUIRED FOR FINANCING SERVICES AND
24 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
25 service or improvement project with assessments under this chapter
26 unless a written petition requesting that service or improvement
27 has been filed with the board.

1 (b) A petition filed under Subsection (a) must be signed by
2 the owners of a majority of the assessed value of real property in
3 the district subject to assessment according to the most recent
4 certified tax appraisal roll for the county.

5 Sec. 3867.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

6 (a) The board by resolution may impose and collect an assessment
7 for any purpose authorized by this chapter in all or any part of the
8 district.

9 (b) An assessment, a reassessment, or an assessment
10 resulting from an addition to or correction of the assessment roll
11 by the district, penalties and interest on an assessment or
12 reassessment, an expense of collection, and reasonable attorney's
13 fees incurred by the district:

14 (1) are a first and prior lien against the property
15 assessed;

16 (2) are superior to any other lien or claim other than
17 a lien or claim for county, school district, or municipal ad valorem
18 taxes; and

19 (3) are the personal liability of and a charge against
20 the owners of the property even if the owners are not named in the
21 assessment proceedings.

22 (c) The lien is effective from the date of the board's
23 resolution imposing the assessment until the date the assessment is
24 paid. The board may enforce the lien in the same manner that the
25 board may enforce an ad valorem tax lien against real property.

26 (d) The board may make a correction to or deletion from the
27 assessment roll that does not increase the amount of assessment of

1 any parcel of land without providing notice and holding a hearing in
2 the manner required for additional assessments.

3 Sec. 3867.155. TAX AND ASSESSMENT ABATEMENTS. The district
4 may designate reinvestment zones and may grant abatements of a tax
5 or assessment on property in the zones.

6 SUBCHAPTER E. TAXES AND BONDS

7 Sec. 3867.201. ELECTIONS REGARDING TAXES AND BONDS.

8 (a) The district may issue, without an election, bonds, notes, and
9 other obligations secured by:

10 (1) revenue other than ad valorem taxes; or

11 (2) contract payments described by Section 3867.203.

12 (b) The district must hold an election in the manner
13 provided by Subchapter L, Chapter 375, Local Government Code, to
14 obtain voter approval before the district may impose an ad valorem
15 tax or issue bonds payable from ad valorem taxes.

16 (c) Section 375.243, Local Government Code, does not apply
17 to the district.

18 (d) All or any part of any facilities or improvements that
19 may be acquired by a district by the issuance of its bonds may be
20 submitted as a single proposition or as several propositions to be
21 voted on at the election.

22 Sec. 3867.202. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized by a majority of the district voters voting at an
24 election held in accordance with Section 3867.201, the district may
25 impose an operation and maintenance tax on taxable property in the
26 district in accordance with Section 49.107, Water Code, for any
27 district purpose, including to:

- 1 (1) maintain and operate the district;
- 2 (2) construct or acquire improvements; or
- 3 (3) provide a service.

4 (b) The board shall determine the tax rate. The rate may not
5 exceed the rate approved at the election.

6 Sec. 3867.203. CONTRACT TAXES. (a) In accordance with
7 Section 49.108, Water Code, the district may impose a tax other than
8 an operation and maintenance tax and use the revenue derived from
9 the tax to make payments under a contract after the provisions of
10 the contract have been approved by a majority of the district voters
11 voting at an election held for that purpose.

12 (b) A contract approved by the district voters may contain a
13 provision stating that the contract may be modified or amended by
14 the board without further voter approval.

15 Sec. 3867.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
16 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
17 determined by the board. Section 375.205, Local Government Code,
18 does not apply to a loan, line of credit, or other borrowing from a
19 bank or financial institution secured by revenue other than ad
20 valorem taxes.

21 (b) The district may issue bonds, notes, or other
22 obligations payable wholly or partly from ad valorem taxes,
23 assessments, impact fees, revenue, contract payments, grants, or
24 other district money, or any combination of those sources of money,
25 to pay for any authorized district purpose.

26 Sec. 3867.205. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct annual ad valorem tax, without limit as to rate or amount,
3 for each year that all or part of the bonds are outstanding as
4 required and in the manner provided by Sections 54.601 and 54.602,
5 Water Code.

6 Sec. 3867.206. TAXES AND BONDS FOR RECREATIONAL FACILITIES.

7 (a) The limitation on the outstanding principal amount of bonds,
8 notes, and other obligations provided by Section 49.4645, Water
9 Code, does not apply to the district.

10 (b) Section 49.107(h), Water Code, does not apply to the
11 district.

12 Sec. 3867.207. CITY NOT REQUIRED TO PAY DISTRICT
13 OBLIGATIONS. Except as provided by Section 375.263, Local
14 Government Code, the city is not required to pay a bond, note, or
15 other obligation of the district.

16 SECTION 2. The Pearland Municipal Management District No. 2
17 initially includes all territory contained in the following area:

18 BEING 1,483 acres, more or less, of land within the City
19 Limits of Pearland, Texas, located in the H. T. & B. R. R. Co.
20 Survey, Abstract No. 300, the J. W. Maxcy Survey, Abstract No. 675,
21 the R. B. Lyle Survey, Abstract No. 539, the W. W. Dupuy and L. F.
22 Roberts Survey, Abstract No. 726, the H. T. & B. R. R. Co. Survey,
23 Abstract No. 304, the W. M. Morris Survey, Abstract No. 344, the J.
24 Crawley Survey, Abstract No. 174 and the D. White Survey, Abstract
25 No. 747, Brazoria County, Texas and also located in the James
26 Hamilton Survey, Abstract No. 881, Harris County, Texas, said 1,483
27 acres being more particularly described as follows:

1 BEGINNING at the southeast corner of SOUTHGATE SECTION ONE, a
2 subdivision of record in Volume 24, Pages 123-126 of the Plat
3 Records of Brazoria County, Texas (B.C.P.R.) on the northerly
4 right-of-way line of County Road 59 (width varies);

5 THENCE NORTHERLY, 2,574 feet more or less, along the east
6 line of said SOUTHGATE SECTION ONE and the east line of SOUTHGATE
7 SECTION TWO, a subdivision of record in Volume 24, Pages 278-279,
8 B.C.P.R. to the northeast corner of said SOUTHGATE SECTION TWO;

9 THENCE WESTERLY, 2,642 feet more or less, along the north
10 line of said SOUTHGATE SECTION TWO to a point on the west line of
11 said SOUTHGATE SECTION ONE for the southwest corner of Restricted
12 Reserve "A" of said SOUTHGATE SECTION ONE;

13 THENCE NORTHERLY, 1,175 feet more or less, along said west
14 line to the southwest corner of the MINOR PLAT OF KIRBY WATER PLANT
15 SITE AND FIRE STATION NO. 5, a subdivision of record under Document
16 Number 2008029867 of the Official Public Records of Brazoria
17 County, Texas (B.C.O.P.R.)

18 THENCE EASTERLY, 626 feet more or less, to the southeast
19 corner of said MINOR PLAT;

20 THENCE NORTHEASTERLY, 335 feet more or less, to the northeast
21 corner of said MINOR PLAT;

22 THENCE WESTERLY, 776 feet more or less, to the northwest
23 corner of said MINOR PLAT and being the southwest corner of the
24 remainder of a called 13.380 acre tract of land conveyed to Pearland
25 Town Center Limited Partnership as recorded under Document Number
26 2006071333 of the Official Records of Brazoria County, Texas
27 (B.C.O.R.);

1 THENCE NORTHERLY, 1,231 feet more or less, along the west
2 line of said remainder and the west line of KIRBY CROSSING SECTION
3 ONE, a subdivision of record under Document Number 2012041370,
4 B.C.O.R., to the south right-of-way line and crossing to the north
5 right-of-way line of F.M. 518 (120' wide);

6 THENCE WESTERLY, 597 feet more or less, along said north
7 right-of-way line to the southeast corner of SF-18B, a subdivision
8 of record in Volume 23, Pages 393-396, B.C.P.R.;

9 THENCE NORTHERLY, 1,053 feet more or less, along the east
10 line of said SF-18B to the south line of SF-15, a subdivision of
11 record in Volume 23, Pages 265-268, B.C.P.R.;

12 THENCE EASTERLY, 1,566 feet more or less, along said south
13 line to the west right-of-way line and crossing to the east
14 right-of-way line of Kirby Drive (100' wide);

15 THENCE SOUTHERLY, 634 feet more or less, along said east
16 right-of-way line to the northwest corner of SHADOW CREEK RANCH
17 COMMERCIAL SITE NO. 3, a subdivision of record under Document
18 Number 2006023374, B.C.O.R.;

19 THENCE SOUTHEASTERLY, 789 feet more or less, along the
20 northeast line of said SHADOW CREEK RANCH COMMERCIAL SITE NO. 3 to
21 the southeast corner of same on the north right-of-way line of the
22 aforementioned F.M. 518;

23 THENCE EASTERLY, 162 feet more or less, along said north
24 right-of-way line to the southeast corner of SF-16B, a subdivision
25 of record in Volume 23, Pages 273-276, B.C.P.R.;

26 THENCE NORTHERLY, 2,448 feet more or less, along the east
27 line of said SF-16B, SF-16A, a subdivision of record in Volume 23,

1 Pages 269-272, B.C.P.R. and SF-14B, a subdivision of record in
2 Volume 23, Pages 261-264, B.C.P.R. to the southwest corner of the
3 MINOR SUBDIVISION PLAT OF DISCOVERY AT SHADOW CREEK RANCH, a
4 subdivision of record under Document Number 2009049537, B.C.O.R.;

5 THENCE EASTERLY, 1,486 feet more or less, along the south
6 line of said MINOR SUBDIVISION PLAT OF DISCOVERY AT SHADOW CREEK
7 RANCH, to the northwest corner of Lot "A" of the AMENDING PLAT OF
8 SHADOW CREEK TOWN CENTER, a subdivision of record under Document
9 Number 2007002505, B.C.O.R.;

10 THENCE SOUTHERLY, 960 feet more or less, along the west line
11 of said Lot "A" and the easterly right-of-way line of Business
12 Center Drive as shown on said AMENDING PLAT OF SHADOW CREEK TOWN
13 CENTER to the intersection of said Business Center Drive and
14 Memorial Herman Drive as shown on said AMENDING PLAT OF SHADOW CREEK
15 TOWN CENTER, same being the southerly southwest corner of said Lot
16 "A";

17 THENCE EASTERLY, 1,149 feet more or less, along the north
18 right-of-way line of said Memorial Herman Drive to the easterly
19 southeast corner of said Lot "A", said point being on the westerly
20 right-of-way line of SH 288;

21 THENCE NORTHERLY, 1,609 feet more or less, along said
22 westerly right-of-way line to the northeast corner of that certain
23 called 13.100 acre tract conveyed to Memorial Herman by an
24 instrument of record under Document Number 2008000334, B.C.O.R.;

25 THENCE WESTERLY, 874 feet more or less, departing said
26 westerly right-of-way line and along the north line of said 13.100
27 acre tract to the westerly right-of-way line of Business Center

1 Drive (100' wide) as shown on SHADOW CREEK RANCH BUSINESS CENTER
2 DRIVE EXTENSION, a subdivision of record in Volume 24, Pages
3 392-393, B.C.O.R.;

4 THENCE NORTHERLY, 3,751 feet more or less, along said
5 westerly right-of-way line and along the westerly right-of-way line
6 of said Business Center Drive, as shown on SHADOW CREEK RANCH
7 BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE, a subdivision of
8 record in Volume 24, Pages 251-252, B.C.O.R. to a point opposite of
9 the northwest corner of Restricted Reserve "B" as shown on SHADOW
10 CREEK RANCH BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE;

11 THENCE EASTERLY, 90 feet, departing said west right-of-way
12 line to the northwest corner of said Restricted Reserve "B";

13 THENCE EASTERLY, 72 feet more or less, along the northerly
14 line of said Restricted Reserve "B" to the southeast corner of said
15 Restricted Reserve "B", said point being on the northerly
16 right-of-way line of Medical Center Drive (100' wide) as shown on
17 SHADOW CREEK RANCH BUSINESS CENTER DRIVE AND MEDICAL CENTER DRIVE;

18 THENCE EASTERLY, 1,550 feet more or less, along the northerly
19 right-of-way line of said Medical Center Drive to a point on the
20 westerly right-of-way line of SH 288, same being the easterly line
21 of that certain called 48.00 acre tract conveyed to H.C.A. HEALTH
22 SERVICES OF TEXAS, INC. by an instrument of record under File Number
23 02-063451, B.C.O.R.;

24 THENCE NORTHERLY, 764 feet more or less, along said westerly
25 right-of-way line and the easterly line of said 48.00 acre tract to
26 the south corner of that certain called 2.266 acre tract conveyed to
27 SHADOW CREEK RANCH MAINTENANCE ASSOCIATION by an instrument of

1 record under File Number 01-048774, B.C.O.R.;

2 THENCE NORTHERLY, 1,014 feet more or less, along the easterly
3 line of said 48.00 acre tract to the northwest corner of said 2.266
4 acre tract, said point being on the southerly line of F.M. 2234 -
5 Shadow Creek Parkway (width varies);

6 THENCE WESTERLY, 978 feet more or less, along the north line
7 of said 48.00 acre tract to the northwest corner of said 48.00 acre
8 tract, said point being the northeast corner of Business Center
9 Drive (width varies at this point);

10 THENCE SOUTHERLY, 925 feet more or less, along the west line
11 of said 48.00 acre tract and the easterly right-of-way line of
12 Business Center Drive to a point opposite the southeast corner of
13 that certain called 17.5691 acre tract of land conveyed to GLOBAL
14 NEW MILLENIUM PARTNERS, LTD. by the instrument of record under
15 Document Number 2009057174, B.C.O.P.R.;

16 THENCE WESTERLY, 1,113 feet more or less, along the south
17 line of said called 17.5691 acre tract to the southwest corner of
18 the same;

19 THENCE NORTHERLY, 769 feet more or less, along the west line
20 of said called 17.5691 acre tract to the most westerly northwest
21 corner of the same;

22 THENCE NORTHEASTERLY, 429 feet more or less, along the
23 northwest line of said called 17.5691 acre tract to the south
24 right-of-way line and crossing to the north right-of-way line of
25 F.M. 2234 - Shadow Creek Parkway (160.00' wide);

26 THENCE EASTERLY, 464 feet more or less, along said north
27 right-of-way line, same being the south line of SHADOW CREEK RANCH

1 COMMERCIAL SITE NO. 18B, a subdivision of record under Document
2 Number 2007035195, B.C.O.P.R., to the southeast corner of said SITE
3 18B;

4 THENCE NORTHERLY, 515 feet more or less, along the east line
5 of said SITE 18B to a point on the south line of SHADOW CREEK
6 MARKETPLACE, a subdivision of record under Document Number
7 2008001974, B.C.O.P.R.

8 THENCE EASTERLY, 60 feet more or less, along said south line
9 to a point on the west right-of-way line of Business Center Drive
10 (100' wide);

11 THENCE NORTHERLY, 101 feet more or less, along said west
12 right-of-way line to a point on the north line of said SHADOW CREEK
13 MARKETPLACE;

14 THENCE NORTHEASTERLY, 1,674 feet more or less, along said
15 north line to a point on the south line of a called 48.4712 acre
16 tract of land conveyed to AMEGY MORTGAGE COMPANY, L.L.C., by the
17 instrument of record under Document Number 2010023540, B.C.O.P.R.;

18 THENCE EASTERLY, 792 feet more or less, along the south line
19 of said called 48.4712 acre tract to the west right-of-way line of
20 State Highway 288;

21 THENCE NORTHERLY, 4,620 feet more or less, along said west
22 right-of-way line to a point on the south right-of-way line of
23 Beltway 8, same being the Northern City Limit Line of
24 Pearland, Texas;

25 THENCE EASTERLY, 2,623 feet more or less, along said City
26 Limit Line, crossing and to a point on the east side of said State
27 Highway 288 for the northwest corner of the MINOR SUBDIVISION PLAT

1 OF REC-TIME SUBDIVISION, a subdivision of record under Film Code
2 600053 of the Harris County Map Records, (H.C.M.R.);

3 THENCE SOUTHERLY, 1,290 feet more or less, along the west
4 line of said MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION to the
5 north line of TOM BASS PARK;

6 THENCE WESTERLY, 679 feet more or less, to the west line of
7 said PARK;

8 THENCE SOUTHERLY, 2,966 feet more or less, along said west
9 line to the north line of THE LAKES AT COUNTRYPLACE SECTION EIGHT, a
10 subdivision of record in Volume 21, Pages 173-174, B.C.P.R.;

11 THENCE WESTERLY, 116 feet more or less, SOUTHERLY 207 feet
12 more or less and WESTERLY 439 feet more or less, along said north
13 line to a point on the east right-of-way line of the aforementioned
14 State Highway 288;

15 THENCE SOUTHERLY to SOUTHEASTERLY, 1,682 feet more or less,
16 along said east right-of-way line to the north right-of-way line of
17 the aforementioned F.M. 2234-Shadow Creek Parkway;

18 THENCE EASTERLY, 250 feet more or less, along said north
19 right-of-way line to a point at the intersection with the east
20 right-of-way line of County Road 94 (100' wide) projected north;

21 THENCE SOUTHERLY, 3,536 feet more or less, along said east
22 right-of-way line to the northwest corner of SOUTHDOWN COMMERCIAL
23 RESERVE TRACT A, a subdivision of record in Volume 17, Pages
24 151-152, B.C.P.R.;

25 THENCE EASTERLY, 381 feet more or less, along the north line
26 of said SOUTHDOWN COMMERCIAL RESERVE TRACT A and SOUTHDOWN
27 COMMERCIAL RESERVE TRACT B, a subdivision of record in Volume 20,

1 Pages 225-226, B.C.P.R. to the northeast corner of said TRACT B;

2 THENCE SOUTHERLY, 264 feet more or less, along the east line
3 of said TRACT B to the north right-of-way line and crossing to the
4 south right-of-way line of Hughes Ranch Road (70' wide);

5 THENCE EASTERLY, 758 feet more or less, along said south
6 right-of-way line to the northwest corner of SERENE GARDENS, a
7 subdivision of record under Document Number 2012007617,
8 B.C.O.P.R.;

9 THENCE SOUTHERLY, 970 feet more or less, along the west line
10 of said SERENE GARDENS to the southwest corner of the same;

11 THENCE EASTERLY, 417 feet more or less, along the south line
12 of said SERENE GARDENS to the southeast corner of the same and being
13 on the west line of AUTUMN LAKE SECTION 2, a subdivision of record
14 in Volume 23, Pages 43-44, B.C.P.R.;

15 THENCE SOUTHERLY, 2,972 feet more or less, along said west
16 line of AUTUMN LAKE SECTION 2, AUTUMN LAKE SECTION 1, a subdivision
17 of record in Volume 21, Pages 111-116, B.C.P.R. and AUTUMN LAKE
18 SECTION 3, a subdivision of record in Volume 24, Page 19, B.C.P.R.
19 to the southwest corner of said SECTION 3;

20 THENCE EASTERLY, 906 feet more or less, along the south line
21 of said SECTION 3 to the southeast corner of the same being on the
22 east line of Lot 29 of the Allison-Richey Gulf Coast Home Company of
23 Suburban Gardens Subdivision, Section 85, a subdivision of record
24 in Volume 2, Page 107, B.C.P.R.;

25 THENCE SOUTHERLY, 1,283 feet more or less, along the east
26 line of said Lot 29 and Lot 30 of said Allison-Richey Subdivision,
27 same being the HOME DEPOT tract to the north right-of-way line of

1 F.M. 518 (130' wide at this point);

2 THENCE SOUTHWESTERLY, 154 feet more or less, crossing said
3 F.M. 518 to the south right-of-way line of the same;

4 THENCE SOUTHERLY, 420 feet more or less, over and across
5 SILVERLAKE COMMERCIAL PARK PHASE II, a subdivision of record in
6 Volume 20, Pages 99-100, B.C.P.R. to an angle point in the south
7 line of said SILVERLAKE COMMERCIAL PARK PHASE II;

8 THENCE WESTERLY, 520 feet more or less, along the south line
9 of said SILVERLAKE COMMERCIAL PARK PHASE II, passing the southwest
10 corner of the same on the east right-of-way line and crossing to the
11 west right-of-way line of the aforementioned County Road 94 (100'
12 wide);

13 THENCE SOUTHERLY, 280 feet more or less, along said west
14 right-of-way line to the southeast corner of SILVERLAKE COMMERCIAL
15 PARK PHASE VII, a subdivision of record in Volume 21, Pages 39-40,
16 B.C.P.R.;

17 THENCE WESTERLY, 570 feet more or less, along the south line
18 of said PHASE VII to the most easterly southeast corner of
19 SILVERLAKE POWER CENTER, a subdivision of record in Volume 21,
20 Pages 351-352, B.C.P.R.;

21 THENCE SOUTHWESTERLY, 2,248 feet more or less, along the
22 south and southeast line of said SILVERLAKE POWER CENTER to the most
23 westerly corner of SCOFIELD SECTION 1 AT SILVERLAKE, a subdivision
24 of record in Volume 20, Pages 299-300, B.C.P.R.;

25 THENCE SOUTHEASTERLY, 911 feet more or less, along the
26 southwest line of said SCOFIELD SECTION 1 to the westerly
27 right-of-way line of the aforementioned County Road 94;

1 THENCE SOUTHERLY, 3,012 feet more or less, along said
2 westerly right-of-way line to the north right-of-way line of the
3 aforementioned County Road 59;

4 THENCE WESTERLY, 451 feet more or less, along said north
5 right-of-way line to an angle point on the same and being common
6 with the east right-of-way line of the aforementioned State Highway
7 288;

8 THENCE NORTHWESTERLY, 389 feet more or less, along said east
9 right-of-way line to an angle point;

10 THENCE WESTERLY, 509 feet more or less, crossing said State
11 Highway 288 to an angle point on the west right-of-way line of the
12 same;

13 THENCE SOUTHWESTERLY, 381 feet more or less, along said west
14 right-of-way line to an angle point on the same and being common
15 with the north right-of-way line of the aforementioned County Road
16 59;

17 THENCE WESTERLY, 936 feet more or less, along said north
18 right-of-way line to the POINT OF BEGINNING and containing 1,483
19 acres, more or less, of land.

20 SECTION 3. (a) The legal notice of the intention to
21 introduce this Act, setting forth the general substance of this
22 Act, has been published as provided by law, and the notice and a
23 copy of this Act have been furnished to all persons, agencies,
24 officials, or entities to which they are required to be furnished
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
26 Government Code.

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

3 (c) The Texas Commission on Environmental Quality has filed
4 its recommendations relating to this Act with the governor,
5 lieutenant governor, and speaker of the house of representatives
6 within the required time.

7 (d) The general law relating to consent by political
8 subdivisions to the creation of districts with conservation,
9 reclamation, and road powers and the inclusion of land in those
10 districts has been complied with.

11 (e) All requirements of the constitution and laws of this
12 state and the rules and procedures of the legislature with respect
13 to the notice, introduction, and passage of this Act have been
14 fulfilled and accomplished.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect September 1, 2013.